



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 768-00
24 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, the Board noted that unlike the Department of Veterans Affairs, which must rate all conditions it classifies as "service connected", the military departments rate only those conditions which render a service member unfit for duty. Although you suffered from a number of conditions during your career in the Marine Corps, your knee condition was the only one found to be unfitting by the Physical Evaluation Board. Your shoulder condition and hearing loss did not render you unfit for duty, and were not ratable. There is no indication in the available records that your visual acuity was below retention standards, or that any decrease in acuity adversely affected your ability to perform your duties.

In view of the foregoing, and in the absence of evidence which demonstrates that your knee condition was ratable at or above 30% disabling, which is the minimum required for disability retirement, the Board was unable to recommend any corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be

taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director